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Lisa Anglin, Assistant Town Administrator

## **PRESS RELEASE**

April 23, 2021

### ***Sunset Beach Responds to Developer Claims***

Sunset Beach NC - Over the past few weeks, I have been made aware of several negative public statements issued by developers and their interests against our Town of Sunset Beach. Generally speaking, and as more fully outlined below, the statements are inaccurate and misleading.

For the record –

- If any developer previously obtained development approvals from the Town and they have not expired, those approvals are still valid and controlling as to the developer's desired development.
- Previously-issued development approvals do not last forever if they are not timely pursued and implemented by the developer and the developer's successors.
- If any developer has applied for development approvals from the Town under a zoning ordinance in effect at the time of their application, their application and the Town's review and consideration of it will be based on the zoning provisions in place at the time of their submission – *not* future changes that may occur to the Town's zoning ordinance.
- The Town may properly amend and change its zoning ordinances from time to time as it deems appropriate; and, neither the Town nor any other town for that matter are prohibited from making such changes.
- All zoning amendments and changes by the Town are "forward-looking" in being applied to land, which means they cannot and will not be applied retroactively to any land or development.
- The Town is not "anti-development." To the contrary, the Town Council and Town staff support lawful development that is fully compliant with the Town's zoning ordinance and procedures.
- Town staff and officials cannot ignore the Town's zoning ordinance provisions for anyone, including developers. To do so would be to violate the law. The Town expects the developers to follow the zoning ordinance. If requests are made by developers that would circumvent and violate the Town's ordinances, those requests will be rejected.

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In its most recent email blast to Sea Trail residents and others on April 16, 2021, the current developer – Riptide Builders – did correctly state that the Sea Trail development “project stalled and went into bankruptcy in 2006-07” and was “left dormant for far too long.” This is anywhere from 14 or 15 years ago. Thus, when Riptide decided to purchase the remainder of the Sea Trail project in 2020, it did so with full knowledge of the Town’s zoning ordinances and provisions.

Riptide asserts – incorrectly – the Town is stopping it from completing the Sea Trail project and improvements. Nothing could be farther from the truth.

The Town’s staff, consultant, and attorney have offered, and continue to offer, mechanisms by which Riptide or other developers can seek certain approvals that are otherwise prohibited under the Town’s zoning ordinance. Two such options suggested by the Town to Riptide on numerous occasions were to pursue a citizen-initiated text amendment and/or pursue a PRD (planned residential development) application. As of this statement, neither option has ever been pursued by Riptide. Instead, Riptide went to the Town’s local State legislator to seek the unnecessary and harmful measure of de-annexing land from the middle of the Town (and Sea Trail) simply because they did not like the Town’s response (required by its zoning ordinance) to one development application they submitted and do not, apparently, wish to pursue the options recommended by the Town’s staff to possibly obtain approval of its application.

Riptide’s assertion that the Town has not been willing to “come to the table,” is also factually incorrect. As of this statement, Town staff and officials have had several one-on-one meetings with Riptide’s representatives, as well as one lengthy meeting at Town Hall. The parties are also attempting to schedule another meeting at Town Hall to continue to discuss ways to try to move forward without de-annexation requests and/or threats of litigation against the Town.

Riptide’s assertion that it has acted in a “concerted, good-faith effort to work with the [T]own,” is unsupported by the actual facts and Riptide’s unilateral request for de-annexation of lands in the middle of Sea Trail and the Town, while seemingly refusing to pursue the options offered by the Town for Riptide to pursue to try to overcome its development application’s shortcomings under the Town’s zoning ordinance.

Riptide’s assertion that de-annexation will not hurt the Town and its residents, many of whom reside in Sea Trail, defies reality. The simple truth is that the Town will lose a substantial tax base while still having to provide many municipal services to the lands that are the target of Riptide’s de-annexation attempt. Moreover, the Town and its citizens will no longer have any real input over development applications for the subject parcels because that will all be governed by Brunswick County. The Town’s 2017 Land Use Plan (developed after extensive public input from all interests in the Town) and zoning ordinances will have been circumvented.

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Contrary to Riptide's and other developers' assertions, the Town has not refused to cooperate with developer interests, and the Town has not changed any ordinances that "make it difficult to move forward with Sea Trail's development plans." Just recently, on April 1, 2021, the Town gave approval for a Riptide application within Sea Trail that involves 98 units over a total of three phases.

In closing, the Town has been working and communicating with developer interests in an attempt to work through any disagreements. The Town will continue to do so. However, in the event the developer interests seek legislation or actions otherwise adverse to the best interests of the Town and its citizens, the Town will vigorously oppose all such efforts.

## **TOWN OF SUNSET BEACH**

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